

**ZB# 95-17**

**Marion Tierney**

**19-3-8**

#95-17- Tierney Marion 19-3-8  
area.

Prelim.

April 24, 1995.  
Letters out, 5/10/95.  
Need Copies

- ① Deer ✓
- ② Title Policy
- ③ Photos ✓
- ④ Fees: ① \$50.00  
② 300.00

Notice to Sentinel on 5/08/95.

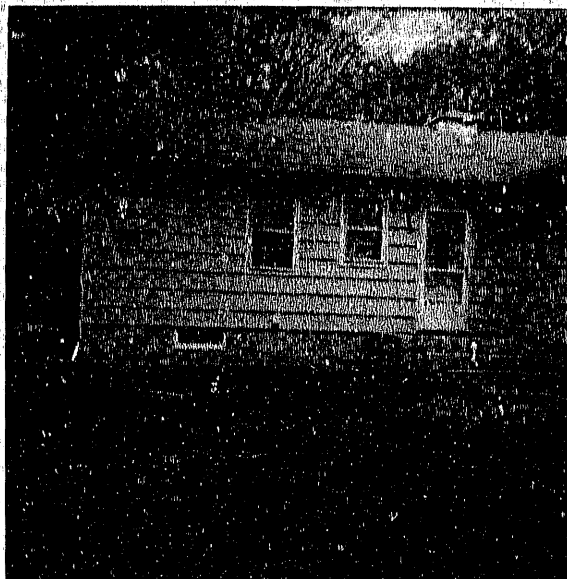
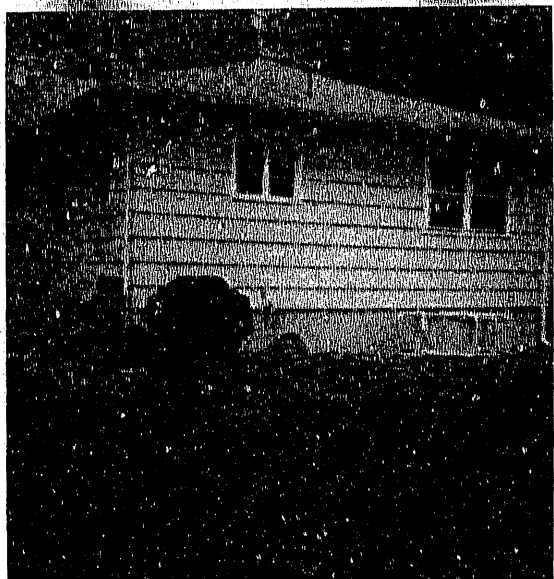
Public Hearing:

May 22, 1995.

Granted

Area variance

Refund: \$203.00.



TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

## GENERAL RECEIPT

14603

may 10 19 95

Received of Marion Tierney \$ 50.00

Fifty 00/100 DOLLARS

For Zoning Board # 95-17

DISTRIBUTION:

FUND	CODE	AMOUNT
Cr # 4868		50.00

By Dorothy Hansen

Town Clerk

Title

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Terney, Marion

FILE # 95-17

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE . . . . . \$ 50.00

\* \* \* \* \*

ESCROW DEPOSIT FOR CONSULTANT FEES . . . . . \$ 300.00

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE	4/24/95 - 3 pages	\$ 9.00
2ND PRELIM. MEETING - PER PAGE	5/22/95 - 4 pages	\$ 18.00
3RD PRELIM. MEETING - PER PAGE		\$
PUBLIC HEARING - PER PAGE		\$
PUBLIC HEARING (CONT'D) PER PAGE		\$
TOTAL . . . . .		\$ <u>27.00</u>

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING-	HRS.	4/24/95	\$ 35.00
2ND PRELIM.	HRS.	5/22/95	\$ 35.00
3RD PRELIM.	HRS.		\$
PUBLIC HEARING	HRS.		\$
PUBLIC HEARING	HRS.	(CONT'D)	\$
TOTAL HRS.		@ \$	PER HR.
		TOTAL . . . . . \$ <u>70.00</u>	

MISC. CHARGES:

	TOTAL . . . . .	\$ <u>97.00</u>
--	-----------------	-----------------

LESS ESCROW DEPOSIT . . .	\$ <u>300.00</u>
(ADDL. CHARGES DUE) . . .	\$ <u>—</u>
REFUND TO APPLICANT DUE .	\$ <u>203.00</u>

(ZBA DISK#7-012192.FEE)

Date June 6, 1978

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Marion Tierney DR.  
27 Hilltop Drive  
New Windsor, N.Y. 12553

Charge: ZBA

DATE	CLAIMED	ALLOWED
6/6	Refund of Escrow # 95-17	\$203.00
Approved: Patricia A. Banhart ZBA.		

-----x  
In the Matter of the Application of

MARION TIERNEY,

DECISION GRANTING  
AREA VARIANCE#95-17.  
  
-----x

WHEREAS, MARION TIERNEY, 27 Hilltop Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 6 ft. rear yard variance for construction of a deck located at the above address in a R-4 zone; and

WHEREAS, a public hearing was held on the 22nd day of May, 1995, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared by Randy Davidson; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke with respect to this application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The subject premises is a one-family home located in a neighborhood of one-family homes.

(b) The proposed deck will replace existing concrete steps which are worn and unsafe and which are needed for access to the back of the house for the safety of the occupants of the house.

(c) The request is for a 6 ft. variance out of a 40 ft. rear yard requirement, or a 15% request.

(d) There are similar decks in the neighborhood to the one proposed.

(e) No groundwater or drainage will be affected by this deck.

(f) The property deck is the minimum size to permit safe walking use.

(g) Any deck constructed on the house would need some variances to be permitted.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is substantial but nevertheless is warranted because it is needed for the safety of the inhabitants of the house and is consistent with the neighborhood.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is self-created because the applicant proposes to build this deck but the variance is appropriate and should be granted for the reasons set forth in paragraph numbered 3 above.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

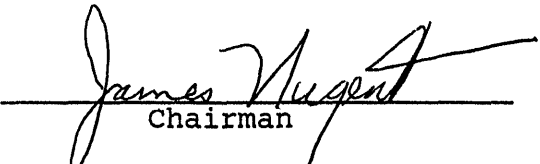
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 6 ft. rear yard variance to allow construction of a deck at the above address, in an R-4 zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: July 10, 1995.

  
Chairman



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 95-18

Date: 5/8/95

I. ✓ Applicant Information:

- (a) MARION TIERNEY 27 HILLTOP DRIVE NEW WINDSOR, NY  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) R-4 27 HILLTOP DRIVE 19-3-8 75' x 100' ±  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? \_\_\_\_\_
- (c) Is a pending sale or lease subject to ZBA approval of this application? \_\_\_\_\_
- (d) When was property purchased by present owner? 3-92
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow: \_\_\_\_\_  
(Describe proposal) \_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) <sup>N/A</sup> The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) <sup>N/A</sup> Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes\_\_\_\_\_ No\_\_\_\_\_.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40'</u>	<u>34'</u>	<u>6'</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

THE DECK IS PROPOSED FOR THIS AREA BECAUSE THERE IS  
NO OTHER WAY TO PUT IT. UNLESS IT WASN'T ERECTED AT ALL.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

N/A  
 (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

N/A  
 (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
 \_\_\_\_\_

VII. Interpretation: N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or



(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Date 6/5/95, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Francis Roth 147 Sycamore Dr DR.  
New Windsor Ny 12553

DATE

CLAIMED

ALLOWED

5/22/95	Zoning Board Meeting	75 00		
	Misc - 2			
	Evans - 13			
	Mobil Oil - 6			
	Brisman - 5			
	Meyers - 8			
	<del>Tennery - 4</del>			
	Park Road - 11			
	<u>50 pp</u>	225 00		
		300 00		

TIERNEY, MARION

MR. NUGENT: Request for 6 ft. rear yard variance to construct deck at 27 Hilltop Drive in R-4 zone.

Mr. Randy Davidson appeared before the board for this proposal.

MR. NUGENT: Make a notation there is no public here other than the applicant.

MS. BARNHART: For the record, I sent out 63 addressed envelopes from the certified list.

MR. NUGENT: Go ahead.

MR. DAVIDSON: I am just representing Miss Tierney in a request for a variance for the rear yard, 6 foot rear yard variance to construct her deck. I submitted some photos of the property.

MS. BARNHART: I have them right here.

MR. DAVIDSON: Without the variance, there's no deck.

MR. NUGENT: You're putting that in the place of the concrete steps that are in back?

MR. DAVIDSON: Where the concrete steps are coming out and the big deck is going in this alcove, see on the house, there's a notch, she wants it to wrap around this little piece in the back here, four foot wide so without the variance, she can't put that on there.

MR. NUGENT: Variance is for the side yard.

MR. DAVIDSON: Yeah, it's part of the rear yard that is still the rear of the house, just has that jog there so in the alcove, she's putting the big deck but she wants to be able to walk to the end of the house on the deck.

MR. BABCOCK: The bigger portion of the deck does not require a variance, it's not going passed the back of the house, just the walk around to get to the driveway 6 foot wide walk around.

MR. KRIEGER: Steps have been, have apparently been there for some time, correct?

MR. DAVIDSON: Yes.

MR. KRIEGER: And they show signs of aging and wear, don't they?

MR. DAVIDSON: Yes.

MR. KRIEGER: So they would, if not now, soon, have for safety reasons, they would have to be replaced?

MR. DAVIDSON: Right.

MR. LANGANKE: Is that neighborhood that you live in also?

MR. DAVIDSON: No.

MR. TORLEY: How much side yard is basically left after?

MR. DAVIDSON: It's not a side yard but it's, we're not taking it on to the side, we're stopping it at the end of the side of the house but if it's coming into the back yard 6 feet off the house, so it's--

MR. TORLEY: I'm confused.

MR. NUGENT: It is a little confusing. Actually, what they are asking for is 6 foot rear yard.

MR. BABCOCK: Right.

MR. KRIEGER: What's required rear yard?

MR. BABCOCK: 40.

MR. KRIEGER: So they are asking for 6 out of the 40?

MR. BABCOCK: That is correct.

MR. TORLEY: Do we have a plan on this?



MR. KRIEGER: There are similar decks in the neighborhood?

MR. KANE: Any other homes in the neighborhood have decks in the back of their homes?

MR. DAVIDSON: Yeah, there's some across the street. They had to get a variance also.

MR. KRIEGER: Without the variance, there's no way in which you could have that walkway?

MR. DAVIDSON: No. Also I don't know who has the pictures, where that walkway is going, see the concrete blocks they are all busted up and that is what's there now and they are all deteriorated, that is why she was going to put the walkway out.

MR. TORLEY: So the sidewalk itself could present a tripping hazard now?

MR. DAVIDSON: Yes, absolutely.

MR. KRIEGER: Now you have observed the premises?

MR. DAVIDSON: Yes.

MR. KRIEGER: And any flow of drainage or ground water that would be interfered with if such a deck were permitted?

MR. DAVIDSON: No.

MR. KRIEGER: Any water accumulate in that area?

MR. DAVIDSON: None at all.

MR. KANE: This is the minimum amount of variance you would need, the deck being 6 foot wide, for people to safely walk and use it so you couldn't go any smaller than that reasonably?

MR. DAVIDSON: Yeah.

May 22, 1995

37

MR. KANE: Obviously, there's no other way to do it without requiring a variance?

MR. DAVIDSON: No.

MR. NUGENT: If she put one foot, she'd need a variance, correct?

MR. BABCOCK: That is correct.

MR. KANE: I have no further questions.

MR. NUGENT: I'll accept a motion.

MR. LANGANKE: I make a motion that we grant Marion Tierney the request for 6 foot rear yard variance at 27 Hilltop Drive.

MR. KANE: I'll second the motion.

ROLL CALL

MR. LANGANKE	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

Marion Tierney

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

# 95-17.

STATE OF NEW YORK) )  
COUNTY OF ORANGE ) SS.:

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On May 10, 1995, I compared the 63 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
10<sup>th</sup> day of May, 1995.

Deborah Green  
Notary Public

**DEBORAH GREEN**  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)

*Prelim.*  
*Apr. 24, 1995.*

# 95-~~10~~  
17

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: APRIL 17, 1995

APPLICANT: RANDY DAVIDSON  
61 BIRCHWOOD DRIVE  
NEW WINDSOR, N.Y. 12553

*(Tierney, Marion - owner)*

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: APRIL 4, 1995  
FOR (BUILDING PERMIT): DECK  
LOCATED AT: 27 HILLTOP DRIVE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 19, BLOCK: 3, LOT: 8  
ONE FAMILY HOME

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. THE PROPOSED DECK DOES NOT MEET THE REQUIRED SIDE YARD SET BACK.

*Robert L. Schmitt*  
\_\_\_\_\_  
BUILDING INSPECTOR

REQUIREMENTS

PROPOSED OR  
AVAILABLE

VARIANCE  
REQUEST

ZONE: R-4            USE R-4 BULK TABLE G-10

MIN. LOT AREA

MIN. LOT WIDTH

REQ'D FRONT YD

REQ'D REAR YD    40FT.                      34FT.                      6FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

RECEIVED APR 04 1995

IMPORTANT  
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises MARION TIERNEY  
Address 27 HILLTOP DRIVE Phone 562-5093  
Name of Architect .....  
Address ..... Phone .....  
Name of Contractor RANDY DAVIDSON

Address 67 Birchwood Dr Phone 562-1828  
State whether applicant is owner, lessee, agent, architect, engineer or builder.....  
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the South side of Hilltop Drive  
(N.S.E. or W.)  
and 19 feet from the intersection of SUNSET DRIVE
2. Zone or use district in which premises are situated R4 Is property a flood zone? Yes..... No.....
3. Tax Map description of property: Section 19 Block 3 Lot 8
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.  
a. Existing use and occupancy..... b. Intended use and occupancy.....
5. Nature of work (check which applicable): New Building..... Addition ☒ Alteration..... Repair.....  
Removal..... Demolition..... Other ☒ deck - back page
6. Size of lot: Front Rear..... Depth..... Front Yard..... Rear Yard..... Side Yard.....  
Is this a corner lot? .....
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....  
Number of bedrooms..... Baths..... Toilets.....  
Heating Plant: Gas ☒ Oil..... Electric/Hot Air..... Hot Water.....  
If Garage, number of cars.....
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use .....
10. Estimated cost \$ 3200.00 Fee —  
(to be paid on this application)
11. School District .....

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....  
Approved.....19.....  
Disapproved a/c.....  
Permit No. ....

Office Of Building Inspector  
Michael L. Babcock  
Town Hall, 555 Union Avenue  
New Windsor, New York 12550  
Telephone 565-8807

Refer —

Planning Board.....  
Highway.....  
Sewer .....  
Water .....  
Zoning Board of Appeals .....

APPLICATION FOR BUILDING PERMIT

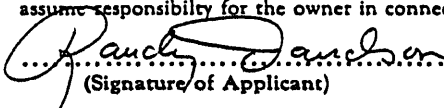
Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

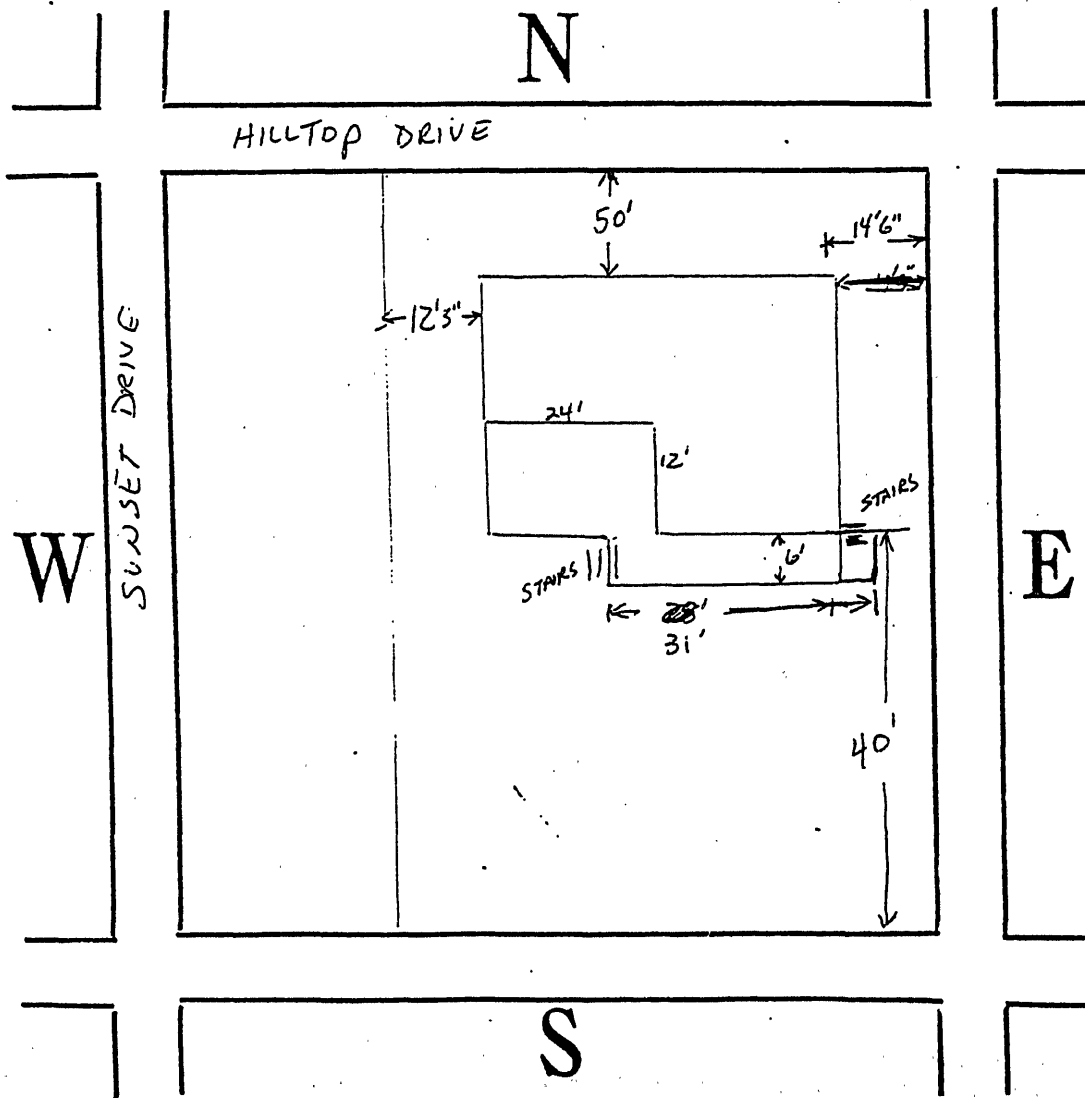
  
(Signature of Applicant)

61 BIRCHWOOD DR. New Windsor  
NY  
(Address of Applicant)

PLOT PLAN



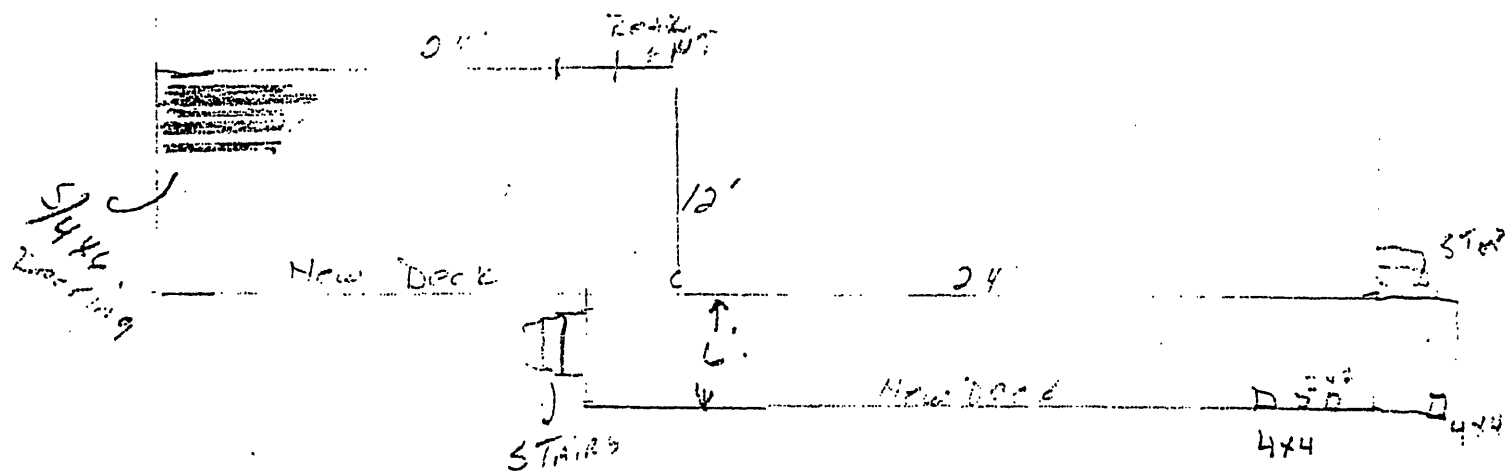
NOTE: Locate all buildings and indicate all set-back dimensions.  
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



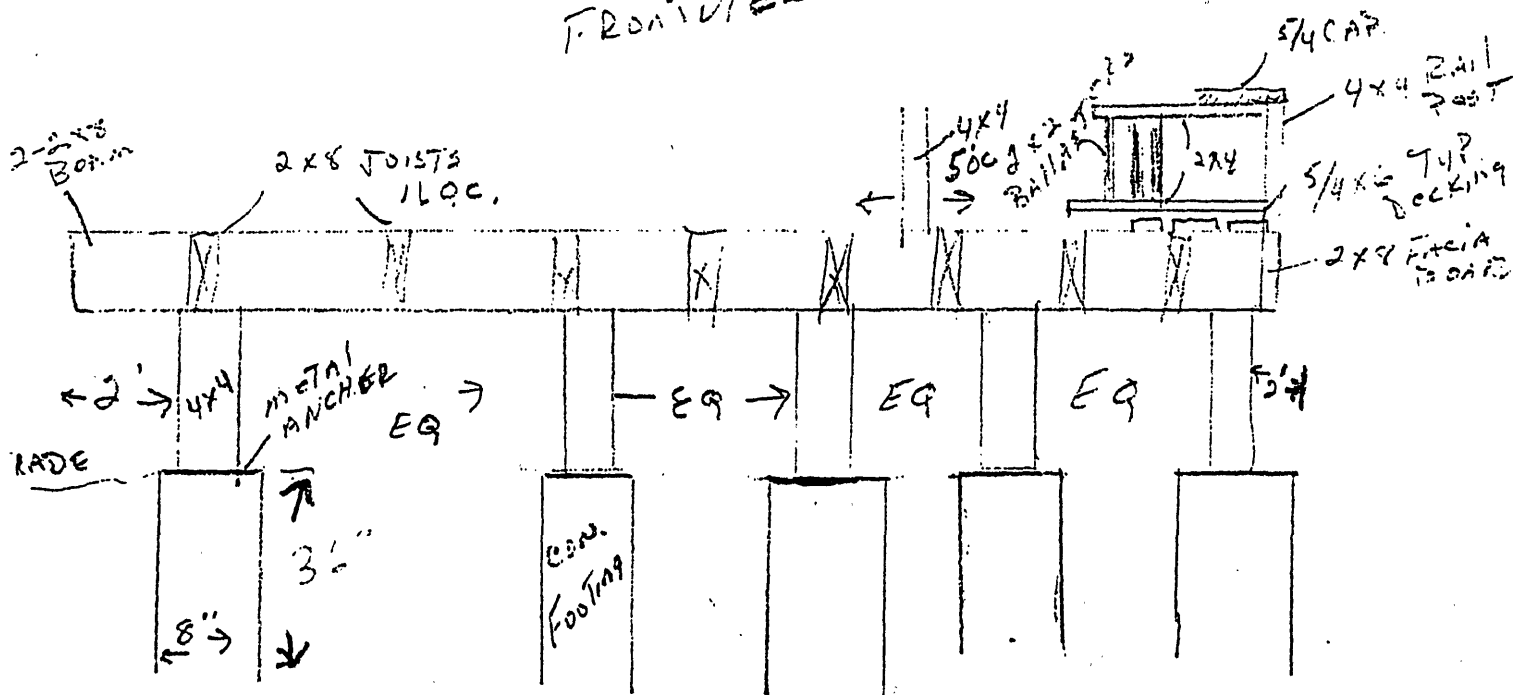
LOCATION IS 27 HILLTOP DRIVE

Top view

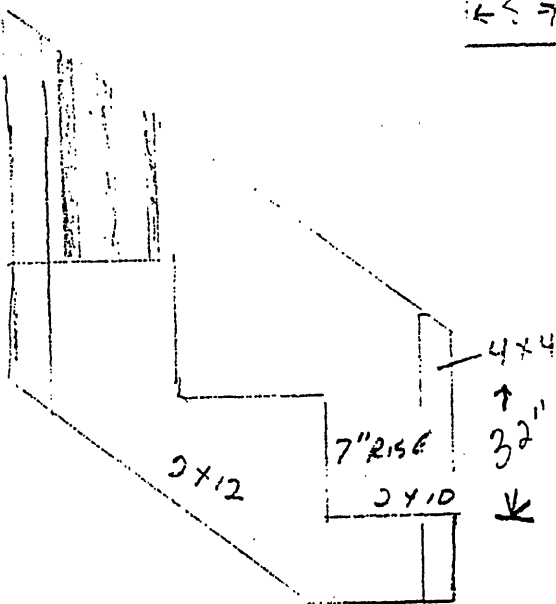
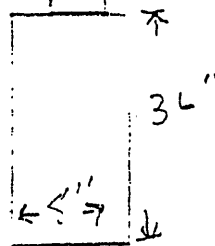
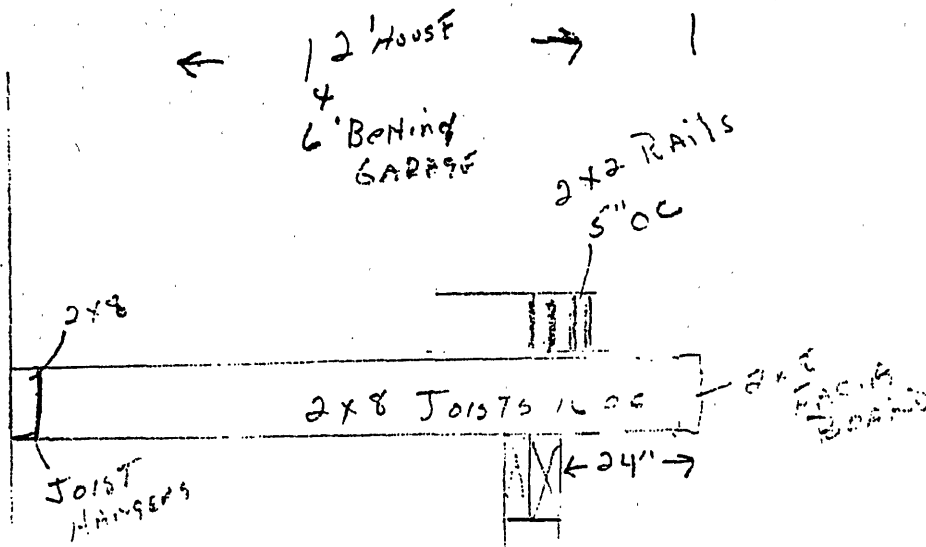
Ex House



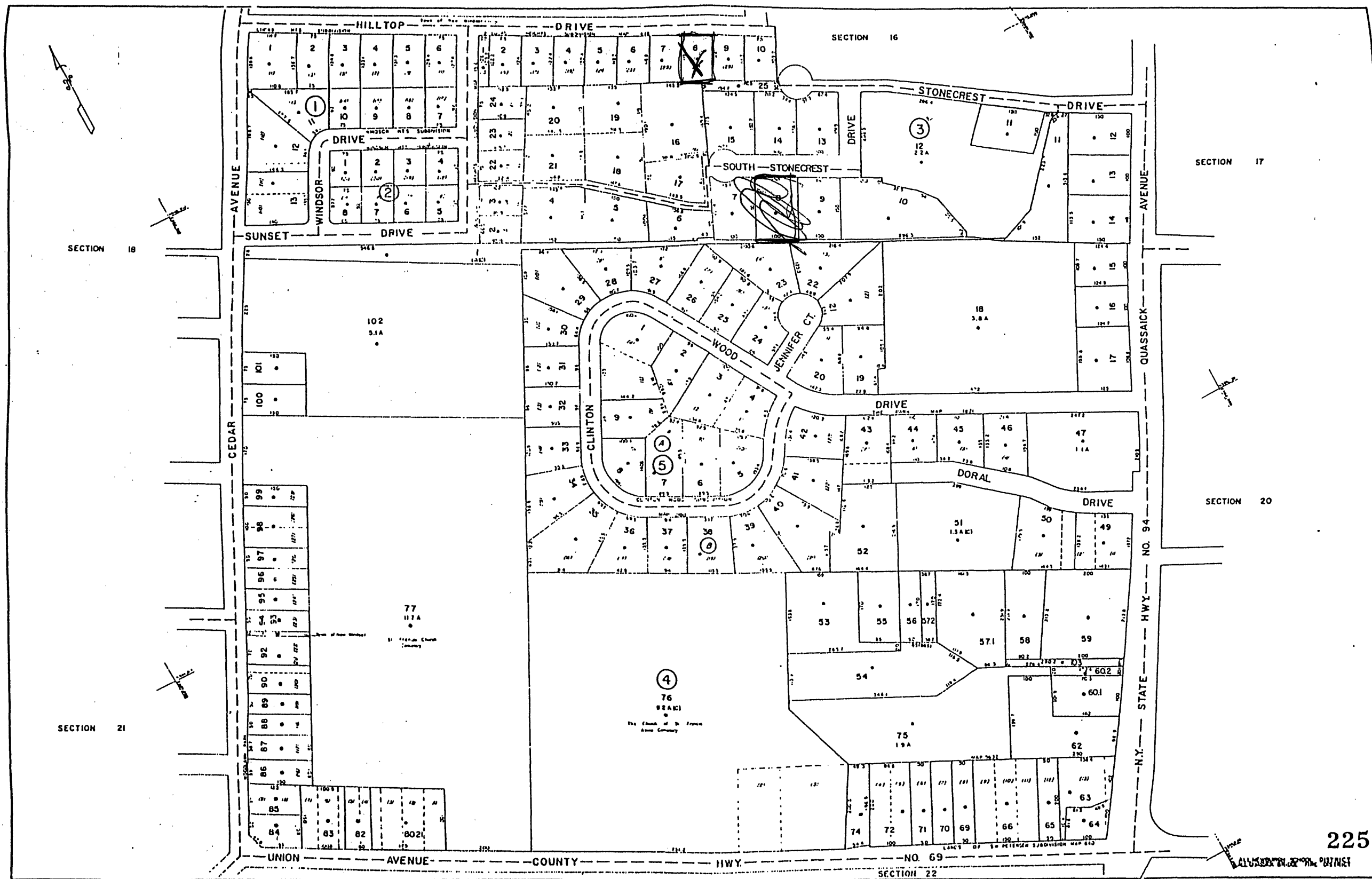
FRONT VIEW



SIDE VIEW



Steps



Prepared by  
**AERO SERVICE**  
CORPORATION  
FOR TAX PURPOSES ONLY  
NOT TO BE USED FOR CONVEYANCE

LEGEND			
	LOT LINE		ROAD RIGHT-OF-WAY
	EASEMENT		WATER BODY
	BUILDING FOOTPRINT		RAILROAD RIGHT-OF-WAY
	UTILITY LINE		BOUNDARY LINE
	SURVEY MONUMENT		SECTION LINE

## ORANGE COUNTY-NEW YORK

Photo No. 14 3132 Date of Map 3-24-67  
Date of Photo 3-1-65 Date of Revision 3-1-67  
Scale 1" = 100'

TOWN OF NEW WINDSOR

Section No. 19

Date 5/12/95, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth, 147 Sycamore Pt. DR.  
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
4/24/95		Zoning Board Meeting	75 00	
		Misc. - 1		
		Accumanno - 3		
		Cox - 3		
		Davidson - 4		
		Tierney - 3 9.00.		
		Meyers - 8		
		Port Road - 10		
		Ciccarelli - 10	189 00	
		<u>42 pp</u>		
		APPROVED:	264 00	
		Chairman - ZBA		

TIERNEY, MARION

MR. NUGENT: Request for 6 ft. rear yard variance to construction deck at 27 Hilltop Drive in an R-4 zone.

Mr. Randy Davidson appeared before the board for this proposal.

MR. DAVIDSON: Mrs. Tieney is looking to get the 6 foot variance, she's putting a large deck that is enclosed on an existing house but she wants to put a little walkway along the back so she needs a 6 foot variance. To make it any smaller than 6 foot would be useless to make any deck there at all.

MR. NUGENT: Where is this, on Hilltop, what's the number?

MR. BABCOCK: 27 Hilltop.

MR. NUGENT: What's the number on the tax map?

MR. BABCOCK: Number 8. That is wrong, oh, that is wrong, it's number 8 on Hilltop but it's marked wrong, the map is marked 8 Stonecrest Lane.

MR. LANGANKE: How high off the ground is this going to be?

MR. DAVIDSON: 28 inches.

MR. LANGANKE: Did you bring any pictures of this one of the house?

MR. DAVIDSON: No.

MR. REIS: The 24 by 12, that is an enclosed area now?

MR. DAVIDSON: No, it's not, that is part of the main deck but it's inside the, you have the building permit picture that I had or no?

MR. REIS: Yeah.

MR. DAVIDSON: That is the existing house so it is

inside those perimeters, that was okay, it was just a little walkway, that was a problem.

MR. BABCOCK: They are going along the back of the house 6 foot for like a walkway and then the stairs of the 6 foot area sticks out passed the edge of the house.

MR. DAVIDSON: Well, I asked that question when I went for the building permit, they said that was a, I thought that was the problem or initially, I didn't realize that I didn't have the 40 feet. He said that is not the problem. Stairs are not the problem. It's the 6 foot sticking out the back yard. Because if that is the problem, I'll stop the walkway 4 foot short and let the stairs come in and end at the house.

MR. BABCOCK: Well, he changed my papers.

MR. LANGANKE: It's the rear yard variance that we're looking for here, right?

MR. BABCOCK: That is correct. I'm sorry.

MR. REIS: This affects the side yard also, doesn't it?

MR. BABCOCK: Yes, because of the stairs. My sheet shows that and then he's got it crossed out. I didn't realize it in red pen, he changed it. Apparently he must have told him that.

MR. LANGANKE: So, do the stairs go out passed the house?

MR. BABCOCK: He is going to have to request that variance or have them end at the house.

MR. DAVIDSON: I have 15 feet because there's only 14'6" to start with.

MR. BABCOCK: You'd be allowed to maintain the 14'6" but because you don't need 6 foot to put steps in for 28 inch steps, you're probably going to have two or three steps. So it won't be 6 foot of steps, it's going to be a partial that is going to be sticking out

April 24, 1995

14

so he can request that we can modify the agenda, he needs a 2'9" variance according to my paperwork.

MR. NUGENT: Do you want--

MR. DAVIDSON: I'll end the stairs even with the house, instead of coming out and going towards the front, I'll stop the leg right at the house.

MR. NUGENT: Then it's not a problem.

MR. BABCOCK: Okay.

MR. NUGENT: We're looking for a rear yard period.

MR. LANGANKE: Right, a few pictures, you know, just back where you are going to do this would probably help for the public hearing.

MR. NUGENT: Any other comments or questions?

MR. REIS: No.

MR. LANGANKE: No, I don't have any questions.

MR. NUGENT: I'll accept a motion.

MR. LANGANKE: I make a motion that we set up a public hearing for Marion Tierney for the variance request for the Hilltop Drive location.

MR. REIS: Second it.

ROLL CALL

MR. LANGANKE	AYE
MR. NUGENT	AYE
MR. REIS	AYE

MR. KRIEGER: Same spiel as last time.



PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

Rec'd.  
ZBA 5/11/95  
PAB  
file

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 18

Request of Marion Tierney

for a VARIANCE of the Zoning Local Law to permit:

Construction of deck with insufficient rearward;

being a VARIANCE of Section 48-12 - Table of Use/Bulk,  
Regs. - Col. G

for property situated as follows:

27 Hilltop Drive, New Windsor, NY.

known as tax lot Section 19 Block 3 Lot 8.

SAID HEARING will take place on the 22nd day of May,  
1995, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P.M.

James Nugent  
Chairman



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

63

May 3, 1995

Ms. Marion Tierney  
27 Hilltop Drive  
New Windsor, N. Y. 12553

Re: Tax Map Parcel #19-03-08

Dear Ms. Tierney:

According to our records, the attached list of property owners are within five Hundred (500) feet of the above-referenced property.

The charge for this service is \$85.00, minus your deposit of \$25.00, leaves a balance due of \$60.00.

Sincerely,

LESLIE COOK  
Sole Assessor

/pab  
Attachment  
cc: ~~Patricia A. Barnhart~~

Town of New Windsor X  
555 Union Avenue  
New Windsor, N. Y. 12553

Decker, Raymond C. & Ruth X  
15 Hilltop Drive  
New Windsor, N. Y. 12553

Monkowski, Michael & Carole A.  
17 Hilltop Drive X  
New Windsor, N. Y. 12553

Cotton, Dewey B. & Carol Ann  
19 Hilltop Drive X  
New Windsor, N. Y. 12553

Savino, Anthony & Donna X  
21 Hilltop Drive  
New Windsor, N. Y. 12553

Costello, Robert E. & Kathryn  
23 Hilltop Drive X  
New Windsor, N. Y. 12553

Shumskis, Agnes X  
25 Hilltop Drive  
New Windsor, N. Y. 12553

Loger, Peter D. X  
29 Hilltop Drive  
New Windsor, N. Y. 12553

Lerose, Peter C. & Peter F. X  
31 Hilltop Drive  
New Windsor, N. Y. 12553

Rebich, Theodore, Jr. & Mary Ellen  
11 Stonecrest Drive X  
New Windsor, N. Y. 12553

Chavez, Fernando & Juana E.  
13128 SW 91st Place X  
Miami, FL 33176

Pisacona, Robert G. & Lucy M. X  
16 Stonecrest Drive  
New Windsor, N. Y. 12553

Patnode, Raymond & Gladys X  
18 Stonecrest Drive  
New Windsor, N. Y. 12553

Edge, Jean M. X  
179 Lakeside Road  
Newburgh, N. Y. 12550

DiCarrado, Thomas & Connie X  
Angola Road

Cornwall, N. Y. 12518

Parrone, Heather  
26 Stonecrest Drive X  
New Windsor, N. Y. 12553

Reeves, Darryl R. & Felicita  
32 Stonecrest Drive X  
New Windsor, N. Y. 12553

Mullarkey, John B. & Patricia A.  
35 Stonecrest Drive X  
New Windsor, N. Y. 12553

Nucifore, Joseph & Mary R.  
31 Stonecrest Drive X  
New Windsor, N. Y. 12553

Halford, Robert W. & Julia H.  
3 Sunset Drive X  
New Windsor, N. Y. 12553

Hudson, William A. & Mary C.  
2 Sunset Drive X  
New Windsor, N. Y. 12553

Johnston, Donald & Maria P.  
1 Sunset Drive X  
New Windsor, N. Y. 12553

County of Orange  
255-275 Main Street X  
Goshen, N. Y. 10924

Sherman, John & Jeanne M.  
5 Sunset Drive X  
New Windsor, N. Y. 12553

Staples, Fred H.  
Smith, Marian X  
4 Sunset Drive  
New Windsor, N. Y. 12553

Fox, James F. & Mary J.  
29 Stonecrest Drive X  
New Windsor, N. Y. 12553

Roth, Carol L.  
23 Stonecrest Drive X  
New Windsor, N. Y. 12553

Buckner, Ronald H. & Harriet D.  
21 Stonecrest Drive X  
New Windsor, N. Y. 12553

Leahy, George A. & Tiernan  
19 Stonecrest Drive X  
New Windsor, N. Y. 12553

New Windsor, N. Y. 12553

Hotetz, Mary  
8 Stonecrest Drive  
New Windsor, N. Y. 12553

Garde, Kenneth E. & Sharon M.  
10 Stonecrest Drive  
New Windsor, N. Y. 12553

Borth, Josef & Katrin  
12 Stonecrest Drive  
New Windsor, N. Y. 12553

Damario, Carmine and Louise  
61 Clancy Avenue  
New Windsor, N. Y. 12553

Fitzgerald, Robert L. & Audrey K.  
11 Oakridge Drive  
New Windsor, N. Y. 12553

Budney, Clifford J. & Patricia  
12-14 Veronica Avenue  
New Windsor, N. Y. 12553

Gonzales, Raymond Jr. & Barbara  
8-A Oakridge Drive  
New Windsor, N. Y. 12553

Gambino, William J. & Lucy B.  
8 Oakridge Drive  
New Windsor, N.Y. 12553

Jones, Eileen  
10 Oakridge Drive  
New Windsor, N. Y. 12553

Granata, Carmello & Dorothy  
12 Oakridge Drive  
New Windsor, N. Y. 12553

Evans, John M. and Georgette H.  
30 Hilltop Drive  
New Windsor, N. Y. 12553

Romanowski, Henry E. & Sharon S.  
28 Hilltop Drive  
New Windsor, N. Y. 12553

Snarr, Norman B. & Linda A.  
26 Hilltop Drive  
New Windsor, N. Y. 12553

Westall, Myron & Gertrude  
24 Hilltop Drive  
New Windsor, N. Y. 12553

Hickey, David R. & Gailanne  
17 Stonecrest Drive  
New Windsor, N. Y. 12553 X

Rocco, Victor J., Jr. & Karen Marie  
15 Stonecrest Drive  
New Windsor, N. Y. 12553 X

Fristace, Rosario & Salvatore J.  
13 Stonecrest Drive  
New Windsor, N. Y. 12553 ✓

Smith, Stephen R. & Nora J.  
5 Jennifer Curt  
New Windsor, N. Y. 12553 X

Maksomski, David M. & Kathleen  
4 Jennifer Court  
New Windsor, N. Y. 12553 X

Scruggs, William B., Jr. and Jean H.  
19 Clintonwood Drive  
New Windsor, N. Y. 12553 ✓

Mangan, James P. & Linda D.  
21 Clintonwood Drive  
New Windsor, N. Y. 12553 X

Botzakis, George  
23 Clintonwood Drive  
New Windsor, N. Y. 12553 X

Ponessa, Thomas L. & Rose Ann  
25 Clintonwood Drive  
New Windsor, N. Y. 12553 X

Olympia, Joseph & Dorothy  
27 Clintonwood Drive  
New Windsor, N. Y. 12553 X

Randazzo, Rocco V., Jr. and Alice  
5 Oakridge Drive  
New Windsor, N. Y. 12553 X

Bedrosian, Lawrence & Marilyn  
2 Lucas Drive  
New Windsor, N. Y. 12553 X

Deyo, James  
4 Lucas Drive  
New Windsor, N. Y. 12553 X

Krisch, Hilda J.  
6 Lucas Drive  
New Windsor, N. Y. 12553 X

Feinberg, Joel & Talietha  
6 Stonecrest Drive X

Carr, William & Eileen X  
22 Hilltop Drive  
New Windsor, N.Y. 12553

Alperovitz, Jerome and Jeanne L. X  
20 Hilltop Drive  
New Windsor, N. Y. 12553

Perna, Richard T. X  
2980 Summitt Drive  
So. Mobile, Alabama 36618

Stefanchik, Richard E. & Kathleen X  
16 Hilltop Drive  
New Windsor, N. Y. 12553

Fasanaro, Richard C. Jr. X  
Susan J. Fixler  
14 Hilltop Drive  
New Windsor, N. Y. 12553

Deed

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE  
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

JOHN PITUSKI and MARY L. PITUSKI  
TO  
MARION E. TIERNEY

*Horizon Abstract Corp.*  
740-0-5903

SECTION 19 BLOCK 3 LOT 8

RECORD AND RETURN TO:  
(Name and Address)

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

DANIEL SHIMEK, ESQ.  
c/o Sandra Schneider  
Rt 7, Box 383  
Rye Hill Road  
Monroe, New York 10950

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 53232 DATE 3/20/92 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED XXX MORTGAGE        SATISFACTION        ASSIGNMENT        OTHER       

BG20 Blooming Grove         
CH22 Chester         
CO24 Cornwall         
CR26 Crawford         
DP28 Deerpark         
GO30 Goshen         
GR32 Greenville         
HA34 Hamptonburgh         
HI36 Highlands         
MK38 Minisink         
ME40 Monroe         
MY42 Montgomery         
MH44 Mount Hope         
NT46 Newburgh (T)         
NW48 New Windsor XXX  
TU50 Tuxedo         
WL52 Wallkill         
WK54 Warwick         
WA56 Wawayanda         
WO58 Woodbury         
MN09 Middletown         
NC11 Newburgh         
PJ13 Port Jervis         
9999 Hold       

SERIAL NO.       

Mortgage Amount \$       

Exempt Yes        No       

3-6 Cooking Units Yes        No       

Received Tax on above Mortgage

Basic \$       

MTA \$       

Spec. Add. \$       

TOTAL \$       

MARION S. MURPHY  
Orange County Clerk

by:       

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on MAR 27 1992  
at 1:45 O'Clock P M.  
in Liber/Film 3580 Filed  
at page 82 and examined.

*Marion S. Murphy*  
County Clerk

CHECK X CASH        CHARGE       

MORTGAGE TAX \$       

TRANSFER TAX \$ 440-

*Ed Ford* 5-  
RECORD. FEE \$ 11-

REPORT FORMS \$ 30-

CERT. COPIES \$       

*Horizon*

RECEIVED

146-  
REAL ESTATE  
MAR 27 1992  
TRANSFER TAX  
ORANGE COUNTY *mn*

*Recorded with  
dated acknowledgment*

LIBER 3580 PAGE 82

ORG 03/27/92 01:45:21 13806 41.00  
\*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*

DEED CONTROL NO: 53232 440.00 \*

\*\*\*\*\* SERIAL NUMBER: 005321 \*\*\*\*\*



THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.

THIS INDENTURE, made the 20<sup>th</sup> day of March 1992.  
BETWEEN JOHN PITUSKI and MARY L. PITUSKI, husband and  
wife, presently residing at 27 Hilltop Drive, New  
Windsor, Orange County, New York 12553

grantor

MARION E. TIERNEY, presently residing at 223B Forge  
Hill Road, New Windsor, Orange County, New York 12553

grantee

WITNESSETH, that the grantor, in consideration of

-----TEN AND 00/100-----(\$10.00)-----Dollars, paid by the grantee  
hereby grants and releases unto the grantee, the heirs or successor and assigns of the grantee forever,

ALLX

27 Hilltop Drive  
New Windsor, Orange County  
New York 12553  
19 - 3 - 8

SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the grantee, the heirs or successors and assigns of the  
grantee forever. AND the said grantor covenants that the grantor has not done or suffered anything whereby the said  
premises have been encumbered in any way whatever. This deed is subject to the trust provisions of Section 13 of the Lien Law.

The words "grantor" and "grantee" shall be construed to read in the plural whenever the sense of this deed so requires.  
IN WITNESS WHEREOF, the grantor has executed this deed the day and year first above written.

In presence of:

*John Pituski* ..... L. S.  
John Pituski  
*Mary L. Pituski* ..... L. S.  
Mary L. Pituski

STATE OF NEW YORK, COUNTY OF

ss.:

On the            day of            19    , before  
me personally came            to me known,  
who, being by me duly sworn, did depose and say that deponent resides  
at No.             
deponent is            of

the corporation described in and which  
executed, the foregoing instrument; deponent knows the seal of said  
corporation; that the seal affixed to said instrument is such corporate  
seal; that it was so affixed by order of the Board of Directors of said  
corporation; deponent signed deponent's name the same like order.

NOTARY PUBLIC, STATE OF New York  
Residing in Orange County  
Comm. Expires March 30, 19

STATE OF NEW YORK, COUNTY OF ORANGE

ss.:

On the 16<sup>th</sup> day of March 1992, before  
me personally came

John Pituski and Mary L. Pituski

to me known to be the individual described in, and who executed  
the foregoing instrument, and acknowledged that the Y executed  
the same.

Notary Public

LIBER 3580 PAGE 83

ALL that certain lot, piece or parcel of land situate, lying and being in the Town of New Windsor, Orange County, New York, known and designated as Lot #27, on Map of Lands of Veronica Lucas known as "Lucas Heights" located in the Town of New Windsor, Orange County, New York, made by Nial Sherwood, C.E., dated June 20, 1950 and filed in the Office of the Clerk of the County of Orange on July 11, 1950, and more particularly bounded and described as follows:

BEGINNING at a point in the southwesterly side of Hilltop Drive at the most easterly corner of Lot #25 on said map and running thence southwesterly along the southeasterly line of said Lot #25 for 114.98 feet to a point at the most southerly corner of said Lot #25; thence South 50 degrees 03' East for 75.02 feet to a point at the most westerly corner of Lot #29 on said map; thence northeasterly along the northwesterly line of said Lot #29 for 113.16 feet to a point in the southwesterly side of Hilltop Drive; thence along the southwesterly side of Hilltop Drive North 46 degrees 20' West for 75 feet to the point or place of beginning.

TOGETHER with the right to use in common with others the roadway in front thereof know as Hilltop to Cedar Avenue.

SUBJECT to the following covenants and restrictions which shall run with the land forever:

1. That said premises shall be used for residential purpose only and that no trade or business shall be carried on on said premises.
2. That no building shall be erected on aid land within 20 feet of the front line thereof within five feet of the side lines thereof.
3. That no more than one on-family residence and private garage costing at least \$5,000.00 to erect shall be erected or maintained upon any parcel of land 75 feet in front or less.
4. That no cattle, livestock or chickens shall ever be kept or maintained on said premises.

BEING the same premises which were conveyed to the grantor by Veronica Lucas by deed dated April 30, 1952, to be recorded in the Orange County Clerk's Office.

ALSO BEING and intended to be the same premises as described in that certain deed dated October 23, 1952, running from STERLING CONSTRUCTION CO., INC. to JOHN PITUSKI and MARY L. PITUSKI, husband and wife, and thereafter recorded in the Orange County Clerk's Office on October 25, 1952 in Liber of Deeds at Page 262.

## **SCHEDULE**

A